

## *REMARKS*

Applicant thanks the Examiner for the very thorough consideration given the present application. Claims 2-4 are now present in this application. Claim 4 is independent. Claim 4 has been amended. Reconsideration of this application, as amended, is respectfully requested.

### *I. Reasons for Entry of Amendments*

At the outset, it is respectfully requested that this Amendment be entered into the Official File in view of the fact that the amendments to the claims automatically place the application in condition for allowance.

In the alternative, if the Examiner does not agree that this application is in condition for allowance, it is respectfully requested that this Amendment be entered for the purpose of appeal. This Amendment reduces the issues on appeal by placing the claims in compliance with 35 U.S.C. § 112, 2nd Paragraph. This Amendment was not presented at an earlier date in view of the fact that Applicant is responding to a new ground of rejection first set forth in the final Office Action.

### *II. Rejection Under 35 U.S.C. § 112, 2<sup>nd</sup> Paragraph*

Claims 2-4 stand rejected under 35 U.S.C. § 112, 2<sup>nd</sup> Paragraph. This

rejection is respectfully traversed.

The Examiner has set forth certain instances wherein the claim language of independent claim 4 is not clearly understood.

In order to overcome this rejection, Applicant has amended claim 4 to make it clear that independent claim 4 encompasses both alternatives where the identification code is recorded either onto the photosensitive material or onto a storage element provided at a cartridge. Such alternative language is clear and proper as set forth in MPEP 2173.05(h).

Applicant respectfully submits that the claims, as amended, particularly point out and distinctly claim the subject matter which Applicant regards as the invention. Accordingly, reconsideration and withdrawal of this rejection are respectfully requested.

### *III. Rejections under 35 U.S.C. § 103*

Claims 2-4 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Bohan et al. in view of Suzuki et al. This rejection is respectfully traversed.

A complete discussion of the Examiner's rejection is set forth in the Office Action, and is not being repeated here.

Applicant respectfully submits that independent claim 4 recites a combination of elements in a photographic photosensitive material including an identification code expressing that said photographic photosensitive material

either has only one of or none of a color correcting function and a sharpness enhancing function, said identification code being recorded optically or magnetically onto said photographic photosensitive material, or recorded onto a storage element provided at a cartridge accommodating said photographic photosensitive material. Applicant respectfully submits that this combination of elements as set forth in independent claim 4 is not disclosed or made obvious by the prior art of record, including Bohan et al. in view of Suzuki et al.

The Examiner states that Bohan et al. discloses a photographic material having a color correction function due to a masking coupler and/or a DIR coupler, and which is contained in a film spool cartridge. Bohan et al. however, fails to disclose the claimed identification code. The Examiner states that Suzuki et al. disclose a film cartridge having a barcode which may display film information such as the type of variety of the film, the frame number and/or the total number of frames. The Examiner states that it would have been obvious to one of ordinary skill in the art to encase the photosensitive material of Bohan et al. which has a color correction function in a cartridge containing a barcode such as that described by Suzuki et al. in which the film information contained by the barcode is processing instructions for that specific material.

Applicant respectfully submits that the teachings of Suzuki et al. directed to the provision of film information in a magnetic storage region of the film does not provide the necessary teaching of providing an identification code which

expresses that the photographic photosensitive material either has only one of or none of a color correcting function and a sharpness enhancing function. In Suzuki et al., the magnetic storage regions are utilized to store a variety of information, none of which is information regarding a color correcting function or a sharpness enhancing function. Suzuki et al. specifically enumerates that the film information includes the type or variety of the film (such as color film, monochrome film, positive film, and negative film) a frame number and the total number of frames, and information relating to photography such as photographic date and time, photographic item, designated print size, and data concerning the maker of the film. See column 6, lines 12-36. Nowhere does Suzuki et al. provide a teaching of including an identification code expressing that the photographic photosensitive material either has only one of or none of the color correcting function and the sharpness enhancing function. Accordingly, the combination of references set forth by the Examiner does not disclose or teach the claimed combination of elements set forth in independent claim 4.

Applicant respectfully submits that the combination of elements as set forth in independent claim 4 is not disclosed or made obvious by the prior art of record, including Bohan et al. in view of Suzuki et al., for the reasons explained above. Accordingly, reconsideration and withdrawal of this rejection are respectfully requested.

With regard to dependent claims 2 and 3, Applicant submits that claims 2 and 3 depend directly from independent claim 4 which is allowable for the reasons set forth above, and therefore claims 2 and 3 are allowable based on their dependence from claim 4. Reconsideration and allowance thereof are respectfully requested.

#### *IV. Additional Cited Reference*

Since the remaining reference cited by the Examiner has not been utilized to reject the claims, but has merely been cited to show the state of the art, no comment need be made with respect thereto.

#### *V. Conclusion*

All of the stated grounds of rejection have been properly traversed, accommodated, or rendered moot. Applicant therefore respectfully requests that the Examiner reconsider all presently outstanding rejections and that they be withdrawn. It is believed that a full and complete response has been made to the outstanding Office Action, and as such, the present application is in condition for allowance.

If the Examiner believes, for any reason, that personal communication will expedite prosecution of this application, the Examiner is invited to telephone James T. Eller, Jr., Registration No. 39,538, at (703) 205-8000, in the

Application No.: 09/374,989  
Art Unit 1752

Attorney Docket No. 1982-0129P  
Amendment filed September 28, 2001  
Page 8

Washington, D.C. area.

Prompt and favorable consideration of this Amendment is respectfully requested.

Applicants respectfully petition under the provisions of 37 C.F.R. § 1.136(a) and § 1.17 for a three (3) month(s) extension of time in which to respond to the Examiner's Office Action. The Extension of Time Fee in the amount of **\$890.00** is attached hereto.

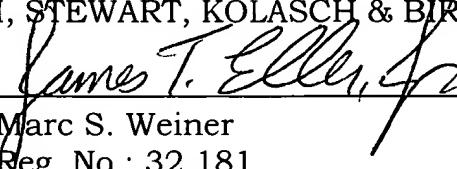
Attached hereto is a marked-up version of the changes made to the application by this Amendment.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37 C.F.R. §§ 1.16 or 1.17; particularly, extension of time fees.

Respectfully submitted,

BIRCH, STEWART, KOLASCH & BIRCH, LLP

By:

  
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MSW/JTE:mmi

Attachment: Version with Markings to Show Changes Made



**VERSION WITH MARKINGS TO SHOW CHANGES MADE**

*In the Claims:*

The claims have been amended as follows:

4. (Twice Amended) A photographic photosensitive material which either has only one of or none of a color correcting function for carrying out color correction of an image which has been subjected to developing processing and a sharpness enhancing function for enhancing sharpness of the image which has been subjected to developing processing, wherein an identification code is recorded [on said photographic photosensitive material, said identification code expressing that said photographic photosensitive material either has only one of or none of said color correcting function and said sharpness enhancing function, and wherein said identification code is recorded] optically or magnetically onto said photographic photosensitive material, or is recorded onto a storage element provided at a cartridge accommodating said photographic photosensitive material, said identification code expressing that said photographic photosensitive material either has only one of or none of said color correcting function and said sharpness enhancing function.

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